

**DECLARATION OF JIAN NI, GUO-LIANG YU, PEDRO ALFONSO,
JEFFREY SU AND REINER GENTZ UNDER 37 C.F.R. § 1.131**

Each of the inventors of U.S. Patent Application No. 08/761,289, filed December 6, 1996, and U.S. Patent Application No. 09/227, 854, filed January 11, 1999, Jian Ni, Guo-Liang Yu, Pedro Alfonso, Jeffrey Su, and Reiner Gentz, hereby declare and state as follows:

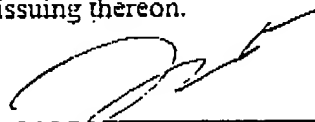
1. I am an inventor of the subject matter described and claimed in the above U.S. Patent Applications, which are assigned to Human Genome Sciences, Inc. (HGS). The work described below occurred at HGS, which is located in Rockville, Maryland, U.S.A.
2. The above-identified patent application relates to the isolation and characterization of a cDNA encoding a novel gene product designated Chemotactic Cytokine I (CCI).
3. A cDNA clone designated "HALTA54" (479,617), was deposited with the American Type Culture Collection (ATCC) on September 25, 1995 and was assigned ATCC Accession Number 97304 (*see* Exhibit A). Exhibit B, attached hereto, is a redacted printout of data from the HGS electronic documentation system IRIS, which shows the nucleotide sequence (No. 479,617) corresponding to cDNA clone HALTA54. The "Date Sequenced" redacted from Exhibit B is prior to March 6, 1995. Exhibit C, attached hereto, is a redacted printout of a Batch Worksheet which evidences expression of the protein encoded by clone HALTA54 in a baculovirus

expression system. The redacted date upon which this Batch Worksheet was generated is prior to March 6, 1995.

4. The nucleotide sequence disclosed in Exhibit B corresponds to the sequence disclosed in Figure 1 of the above-identified application and U.S. Provisional Application Serial No. 60/008,387, a copy of which is attached herewith as Exhibit D and E, respectively. The only differences between the sequence shown in Exhibits D and E is the exclusion from Exhibits D and E of the initial two G nucleotides and the final G nucleotide (i.e., nucleotides 1, 2 and 483) shown in Exhibit B. The cDNA clone HALTA54 (ATCC Deposit No. 97304) and Exhibit B both contain the entire sequence shown in Exhibits D and E.

5. I declare further that all statements made in this Declaration of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated. 11/20/02



Jian Ni

Dated: _____

Gui-Liang Yu

Dated. _____

Pedro Alfonso

Dated: _____

Jeffrey Su

Dated: _____

Reiner Gentz

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Dated: _____

Jian Ni

Dated: 1/10/25/2002

Gui-Liang Yu

Dated: _____

Pedro Alfonso

Dated: _____

Jeffrey Su

Dated: _____

Reiner Gentz

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Dated: _____

Gui-Liang Yu

Dated: 11/25/2002



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Dated: _____

Jian Ni

Dated: _____

Gui-Liang Yu

Dated: _____

Pedro Alfonso

Dated: _____

Jeffrey Su

Dated: 11/20/2002

Reiner Gentz
Reiner Gentz



American Type Culture Collection

12201 Paroloma Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 393-053 ATCCNORTH • FAX: 301-770-1537

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Human Genome Sciences
Attention: Robert H. Benson
9410 Key West Avenue
Rockville, MD 20850

RECEIVED

HGS PATENT DEPT.

Deposited on Behalf of: Human Genome Sciences

Identification Reference by Depositor:

ATCC Designation

DNA Plasmid, 479617 (Docket PF210)

97304

The deposits were accompanied by: — a scientific description — a proposed taxonomic description indicated above.

The deposits were received September 25, 1995 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.


If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested October 5, 1995. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:


Robert H. Benson, Director, Patent Depository

Date: October 11, 1995



Human Genome Sciences, Inc.
Sequence Worksheet
HALTA54P:

Exhibit B

Sequence Information

Gene Name:

HGS Code: 479617

Sequence ID: HALTA54P

Library Name: Human Adult Liver

Library Catalog: H0147

Date Sequenced:

Lab Sequenced: HGS

Group ID: 20190

Class:

Date Scored:

Lab Scored: HGS

In Group: 35

Previous Class:

Search Results

Overlap	Score	Description

Sequence

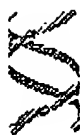
LOCUS HALTA54P 483 bp XXX UPDATED
DEFINITION CRGIN

```

1  CGCAGCAGCA CCAGTCCTCG CTTTTCCTG TACCTCCACA TTCTCTCCA TTGAGCGGT
61  AACATTAAGC TGGAGAGATG ACAAACTTG AAGAGCATCT GAGGAGATT GTCAATTACT
121  TTCAGCAATA CTCAGTTCCG AAGGCGCAT TTGACACCCCT CTCAGCGGT GAGCTGAAC
181  AACTCTTTCG AAGAGAGCTT CCAACCTCCA TCAGAGATTG CAAGATTAAA GCTGTCTTTG
241  ATGAATTAAT CCAAGGCGCTG CAGTCTAATC AAGATGACCA GGTGACTTTT CAGAAATTCA
301  TATTCCTCGT AACCATTCCG CTGAGGCTCG CCCTTTACCA CACCAACAAA GAGTAGGTTG
361  CTCTCTGAAG GCTTTTTCOC CAGCAATGTC CTCAATGAGG GGGTCTTTT TTTCCTTCAC
421  CAAAGCCAG CTGAGCCCTT GGGGCGAGTT AAGATTAAAT AACACACTT AACGAAAGTT
481  CTG
  
```

//

Sequence Notes



HGS

Human Genome Sciences, Inc.
Batch Worksheet
HG04900-B1: Chemotactic Cytokine I

Gene Name: Chemotactic Cytokine I

Batch Serial #: HG04900-B1

Created:

By:

Project Code: HG04900

Batch #: 1

Expression: Baculovirus

Qty Produced: 4.50 mg Qty Remaining: 2.50 mg

Date Sent	Sent To	Amount	Purity	Analysis	Inv ID
	Testing	1.00	95		133
	J. NI	0.50	90		719
	J. NI	0.50	90		720

10 30 50
CACGAGCACCCTGCTGGCTTTTGTGTAGCTCCACATTCCCTGTGCATTGAGGGGTAA
70 90 110
CATTAGGCTGGGAAGATGACAAACTTGAAGAGCATCTGGAGGGAATTGTCAATATCTTC
M T K L E P H L E G I V N I F
130 150 170
CACCAATACTCAGTTTCGGAAGGGGCATTTTGACACCCCTCTCTAAGGGTGAGCTGAAGCAG
H Q Y S V R K G H F D T L S K G E L K Q
190 210 230
CTGCTTACAAAGGAGCTTGCAACACCATCAAGAATATCAAGATAAAGCTGTCAATGAT
L L T K E L A N T I K N I K D K A V I D
250 270 290
GAAATATTCCTAGGCCTGGATGCTAATCAAGATGAACAGTCCGACTTTCAGAAATTCATA
E I P Q G L D A N Q D E Q V D F Q E F I
310 330 350
TCCCTGGTAGCCATTGCGCTGAAGGCTGCCCATTAACACACCCACAAAGAGTAGGTAGCT
S L V A I A L K A A H Y H T E K E
370 390 410
CTCTGAAGGCTTTTACCCAGCAATGTCTCAATGGAGGGGTCTTTTCTTTGCTTCACCA
430 450 470
AAACCCAGCTTGACCCCTGGGGGAGTTAAGAGTTAATAACCCACACTTACGGAAAGTTCT

FIGURE 1 1/2

1/3

FIG. 1

10 30 50
CAGGAGCACCACTGCTGGCTTTTGTGCTAGCTCCACATTCCTGTGCATTTGAGGGGTTAA
70 90 110
CATTAGGCTGGGAAGATGACAAACTTGAAGAGCATCTGGAGGGAATTTGTCAATATCTTC
130 150 170
M T K L E E H L E G I V N I P
CACCATACTCAGTTCGGAAGGGGCATTTTGACACCCCTCTTAAGGGTGAGCTGAAGCAG
190 210 230
H Q Y S V R K G H P D T L S K G E L K Q
CTGCTTACAAAGGAGCTTGCAACACCATCAAGAATATCAAGATAAAGCTGTCATTGAT
250 270 290
L L T K E L A N T I K N I K D K A V I D
GAAATATTCCAGGGCCCTGGNTGCTAATCAAGATGAACAGGTCGACTTTCAGAAGATTCATA
310 330 350
E I F Q G L D A N Q D E Q V D F Q E F I
TCCCTGGTAGCCATTGGCGCTGAAGGCTGCCCATTAACACACCCACAAAGAGTAGGTAGCT
370 390 410
S L V A I A L K A A H Y H T H K E
CTCTGAAGGCTTTTACCCAGCAATGCTCCTCAATGGAGGGGTCTTTTCTTTGGCCTCACCA
430 450 470
AAACCCAGCTTGACCCCTGGGGGAGTTAAGAGTTAATAACCACTTACGGGAAGTTCT

**HUMAN GENOME SCIENCES
LEGAL DEPARTMENT****9410 Key West Avenue
Rockville, MD 20850****Phone: 301-309-8504****Fax: 301-309-8439****FAX COVER SHEET****DATE:** February 20, 2003**TOTAL NUMBER OF PAGES:** 21**TO: Examiner Michael Brannock - Art Unit 1646
United States Patent & Trademark Office****FAX NO.:** (703) 872-9306**PHONE NO.:** (703) 306-5876**FROM:** Mark J. Hyman (Reg. No. 46,789)**RE: Application No 09/227,854 Atty. Docket No. PF210D1
Application of: Ni et al. Filed: January 11, 1999
Title: Human Chemotactic Cytokine I Polypeptides****The following documents were filed by Human Genome Sciences, Inc.
via facsimile on February 20, 2003:**

1. Fax Cover Sheet
2. Transmittal Letter & Status Inquiry (3 pages, including Cert. of Transmission)
3. Declaration of Jian Ni, Guo-Liang Yu, Pedro Alfonso, and Reiner Gentz Under 37 C.F.R. § 1.131 (3 pages in 4 counterparts; 12 pages total)
4. Exhibits A-E (5 pages)

**If you experience any difficulty receiving this transmission,
please contact Mark J. Hyman at (240) 314-1224.**

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9410 Key West Avenue
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Phone: 301-309-8504

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DATE: April 17, 2003

TOTAL NUMBER OF PAGES: 24

TO: **Examiner Michael Brannock - Art Unit 1646**
United States Patent & Trademark Office

FAX NO.: (703) 746-5238

PHONE NO.: (703) 306-5876

FROM: Mark J. Hyman (Reg. No. 46,789)

RE: Application No. 09/227,854 Atty. Docket No. PF210D1
Application of: Ni et al. Filed: January 11, 1999
Title: Human Chemotactic Cytokine I Polypeptides

Examiner Brannock:

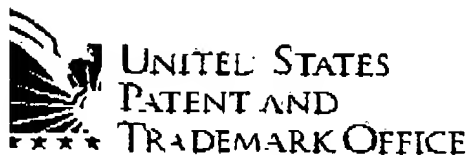
As we discussed by telephone today, attached are copies of the documents filed by fax on February 20, 2003, that have apparently not yet been entered in the case. I have included our Certificate of Transmission, fax confirmation report, and the automatically-generated return receipt confirming receipt of all 21 pages of the fax transmission at the USPTO on February 20, 2003.

Please let me know if you need anything more.

If you experience any difficulty receiving this transmission,
please contact Mark J. Hyman at (240) 314-1224.

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LEGAL DEPARTMENT**

9410 Key West Avenue
Rockville, MD 20850

Phone: 301-307-8304 Fax: 301-307-8437

FAX COVER SHEET

DATE: February 20, 2003 TOTAL NUMBER OF PAGES 2:

TO: Esquire Michael Brannock - Art Unit 1636
United States Patent & Trademark Office

FAX NO (703) 471-9300

PHONE NO (703) 306-5676

FROM: Mark J Hyman (Reg No 40,769)

RE: application no 09/227,834 Any Docket No PP21UD1
Application of Ni et al filed January 11, 1999
Title Human Chorionic Gyrone / Polypeptide

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The undersigned certifies that he has taken reasonable steps to ensure that the information contained herein is true and correct to the best of his knowledge and belief. He further certifies that he is duly qualified to make such certification. He also certifies that he is not acting as a paid consultant or agent for any other person or entity in connection with the preparation, filing, prosecution, or maintenance of this patent application. If you are not satisfied with the information provided herein, please advise the undersigned immediately.

Received from # 301308439 x 4 2/20/03 3:34 PM Eastern Standard Time

Confirmation Report-Memory Send

Time : Feb-20-03 04:02pm
 Tel line 1 : 3013098439
 Name : HGS PATENT DEPT

Job number : 421
 Date : Feb-20 03:55pm
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 Document Pages : 21
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 End time : Feb-20 04:02pm
 Pages sent : 21
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